

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**ELLEN GERHART, et al.,
Plaintiffs**

V.

**ENERGY TRANSFER
PARTNERS, L.P., et al,
Defendants**

V.

ELLEN GERHART,
Counterclaim Defendant

.....

No. 1:17-cv-01726

(Judge Kane)

ORDER

AND NOW, on this 4th day of November 2020, upon consideration of Counterclaim Defendant Ellen Gerhart (“Gerhart”)’s motions to dismiss (Doc. Nos. 93, 104), and in accordance with the Memorandum entered concurrently with this Order, **IT IS ORDERED THAT:**

1. Gerhart's motion to dismiss (Doc. No. 104) Counterclaimants' amended counterclaims (Doc. No. 101) is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Gerhart's motion to dismiss (Doc. No. 104) is **DENIED** as to Count I of the amended counterclaims (Doc. No. 101), asserting a claim for trespass;
 - b. Gerhart's motion to dismiss (Doc. No. 104) is **GRANTED** as to Counts II, III, and IV of the amended counterclaims (Doc. No. 101), and these claims are **DISMISSED WITH PREJUDICE**.
2. Gerhart's motion to dismiss (Doc. No. 93) Counterclaimants' initial counterclaims (Doc. No. 92) is **DENIED** as moot; and

3. Gerhart is directed to file an answer to the remaining counterclaim within fourteen (14) days of the date of this Order.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania